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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

SANDRA FAY TAYLOR,

Defendant and Appellant.

A105798

(San Francisco County
Super. Ct. No. 178535)

Sandra Fay Taylor appeals from her resentencing after remand in a prior appeal in A099047. She argues that the new sentence violates the decision in *Blakely v. Washington* (2004) 542 U.S. ___, [124 S.Ct. 2531] (*Blakely*). We disagree and affirm.

BACKGROUND

Defendant was convicted by a jury verdict of second degree murder, arson resulting in great bodily injury, and arson of an inhabited structure arising from her deliberate burning of a residential hotel in which her room was located. (Pen. Code, §§ 187, 451 subds. (a) & (b).)¹ (*People v. Taylor* (Sept. 19, 2003, A099047) [nonpub. opn.] at p. 1.) In the prior appeal, she argued that section 654 precluded punishment for her conviction of arson causing great bodily injury. We agreed, and ordered that portion of the sentence stayed. We remanded the matter to allow the trial court to reconsider the sentence.

¹ Unless otherwise indicated, all statutory references are to the Penal Code

On remand, the trial court reimposed the indeterminate term of 15 years to life for second degree murder and imposed a consecutive determinate term of five years for arson of an inhabited structure. In discussing the reasons for imposing a consecutive term, the court mentioned the number of people living in the hotel that were harmed by the crime, the seriousness of the acts and defendant's prior history of setting fires. The court quoted the following paragraph from our opinion in the prior appeal: "Defendant's action had far-reaching effects. It ruined the owner's property, destroyed the homes of many victims and caused fear, panic and physical distress to many residents. The fire spread to other buildings, which were also evacuated. Evidence produced at defendant's trial provides support for a finding that there were multiple victims of the arson including the residents trapped in the burning hotel, those treated for smoke inhalation or shock and the owners of the burned building." (*People v. Taylor, supra*, A099047, at p. 9.)

Defendant argues that the sentence violates the rule of *Apprendi v. New Jersey* (2000) 530 U.S. 466 (*Apprendi*) and *Blakely*.²

Apprendi and *Blakely* concerned the imposition of sentences that increased the penalty for a crime beyond the statutory maximum based on facts that were not admitted by the defendant or found true by a jury. (*Apprendi, supra*, 530 U.S. at p. 490; *Blakely, supra*, 124 S.Ct. at p. 2536.)

Prior to *Blakely*, courts held that *Apprendi* did not apply to consecutive sentences. (See, e.g., *People v. Groves* (2003) 107 Cal.App.4th 1227, 1230-1231 [rejecting argument that *Apprendi* applied to consecutive sentencing determination]; *People v. Palacios* (2005) 126 Cal.App.4th 428, 457-458 [collecting pre-*Blakely* cases rejecting *Apprendi* challenges to consecutive sentencing].) We do not believe that *Blakely* changes that holding. (See, e.g., *People v. Saphao* (2005) 126 Cal.App.4th 935, 948 [noting that

² This issue is currently before the California Supreme Court, which has granted review in the cases of *People v. Dalby*, review granted February 16, 2005, S129810; *People v. Jaffe*, review granted January 26, 2005, S129344; *People v. Vaughn*, review granted December 15, 2004, S129050; *People v. Black*, review granted July 28, 2004, S126182, and others.

courts considering the issue have found no *Blakely* violation].) We agree with the reasoning in those cases.

Imposing consecutive punishments for harm caused to multiple victims did not result in exceeding the statutory maximum for each offense. We conclude that the sentence imposed does not violate *Apprendi* or *Blakely*.

CONCLUSION

The judgment is affirmed.

Marchiano, P.J.

We concur:

Stein, J.

Margulies, J.